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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

THOMAS E. HARPER and DIANE KEENE,
 Individually and On Behalf of All Others
 Similarly Situated,

Plaintiffs,

vs.

SMART TECHNOLOGIES, INC., DAVID A.
 MARTIN, NANCY L. KNOWLTON, G.A.
 FITCH, SALIM NATHOO, ARVIND
 SODHANI, INTEL CORPORATION, APAX
 PARTNERS, MORGAN STANLEY & CO.
 INC., DEUTSCHE BANK AG, and RBC
 DOMINION SECURITIES INC.,

Defendants.

Case No. 11 CV 5232 (SBA)

**[PROPOSED] ORDER DENYING
 PLAINTIFFS' MOTION TO REMAND**

Date: March 13, 2012
 Time: 1:00 P.M.
 Location: Courtroom 1, 4th Floor
 Hon. Sandra Brown Armstrong

1 Having considered Plaintiffs' Motion to Remand, this Court finds that this action was
2 properly removed pursuant to the Securities Litigation Uniform Standards Act ("SLUSA").

3 In 1998, Congress passed SLUSA, which amended the "jurisdictional provision" of Section
4 22(a) of the Securities Act of 1933 ("1933 Act") to eliminate concurrent jurisdiction by state courts
5 over covered class actions. *See Knox v. Agria Corp.*, 613 F. Supp. 2d 419, 425 (S.D.N.Y. 2009).
6 Plaintiffs' putative class action indisputably is such a covered class action. Thus, because Plaintiffs'
7 claims may be heard only by a federal court, it follows that this action was properly removed hereto.

8 In addition, this Court agrees with the majority of published decisions that have held that
9 SLUSA amended the "anti-removal" provision of Section 22(a) expressly to allow the removal of
10 class actions arising under the 1933 Act and involving covered securities. *See, e.g., Brody v.*
11 *Homestore*, 240 F. Supp. 2d 1122, 1124 (C.D. Cal. 2003). Thus, this action was properly removed
12 even if the Court were to disregard Section 22(a)'s "jurisdictional provision" and focus solely on its
13 "anti-removal" provision.

14 Finally, although not necessary to this Court's holding, it should be noted that SLUSA's
15 legislative history compels the same conclusion. *See Rovner v. Vonage Holdings Corp.*, No. 07-
16 0178, 2007 WL 446658, at *5 (D.N.J. Feb. 7, 2007) ("[T]he plain language of the statute, coupled
17 with the legislative history and a healthy dose of common sense compel the conclusion that this class
18 action, which alleges only federal '33 Act claims, was removable.")

19 Plaintiffs' motion is therefore denied.

20
21 IT IS SO ORDERED.

22
23
24 DATED: _____

THE HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge